

REMARKS

Reconsideration of this application, as amended, is respectfully requested. Claims 1 and 20 have been amended without prejudice or disclaimer to further clarify the invention. Claim 28 has been cancelled without prejudice or disclaimer. Applicants reserve the right to prosecute all subject matter in this application, including amended or cancelled claims, in a continuation application. Applicants maintain that amended claims are supported by the instant application as originally filed. For instance, the term "directly" is found at page 4, line 2 of the originally filed specification. With this amendment, claims 1, 2, and 4-27 are currently pending in this application. Consideration and entry of this response is respectfully requested.

DOCKET NUMBER

Applicants respectfully request that the docket number for this application be changed from 13115 to "API-02-06-US", if possible. Applicants appreciate the Examiner's assistance with this request.

REJECTIONS UNDER 35 U.S.C. 103(a)**A. REJECTION OF CLAIMS 1, 2, 4-14 AND 16-17**

Claims 1, 2, 4-14, 16 and 17 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Hurpin in view of Hodge and newly cited Lehner, et al. ("Lehner"; J. Infect. Dis., Vol. 179 (Suppl. 3), S489-S492). Applicants respectfully traverse this rejection as indicated below.

Applicants' previous arguments as to the combination of Hurpin and Hodge have were deemed persuasive by the Examiner in this Office Action, and will not be repeated here. The Examiner now combines Hurpin and Hodge with Lehner, alleging that Lehner supplements the deficiencies of the Hurpin / Hodge combination. Applicants respectfully disagree.

The Examiner alleges that "... by demonstrating that administration of antigen to the iliac lymph node results in increased T and B cell mediated antigen-specific immune responses. . . ", Lehner provides the motivation and reasonable expectation of success missing from Hurpin and/or Hodge. However, Lehner's method merely teaches

"subcutaneous immunization technique" to "administer vaccine in the proximity of the internal and external iliac lymph nodes" (see Lehner at p. 5489, col. 2) In contrast, the instantly claimed invention provides a method in which at least one form is administered "into" a lymph node, as opposed to "in the proximity of" a lymph node as taught by Lehner. Applicants have further clarified this attribute of the invention by inserting the term "directly" into both claims 1 and 20. Thus, Applicants respectfully maintain that Lehman adds nothing to either Hurpin or Hodge, either separately or in combination with one another. As such, Applicants believe that neither Hurpin, Hodge, nor Lehman, alone or in combination, are proper references upon which a 35 U.S.C. 103(a) rejection of the instant claims may be based. Accordingly, Applicants respectfully request that this rejection be withdrawn.

B. REJECTION OF CLAIMS 18-19

Claims 18-19 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Hurpin in view of Hodge, Lehman, Zaremba, and Salgaller. Applicants respectfully traverse this rejection as indicated below.

As described above, neither Hurpin, Hodge, nor Lehman, alone or in combination, provide either the motivation to develop the instantly claimed invention or a reasonable expectation of success in practicing the instantly claimed invention. As such, none of Hurpin, Hodge and Lehman are proper references upon which a 35 U.S.C. 103(a) rejection of the instant claims may be based. Applicants maintain that neither Zaremba nor Salgaller, supplement the deficiencies of Hurpin, Hodge and/or Lehman. In addition, neither Zaremba nor Salgaller, alone or in combination with one another, Hurpin, Hodge and/or Lehman, provide a proper basis upon which a 35 U.S.C. 103(a) rejection of the instant claims may be based. Accordingly, Applicants respectfully request that this rejection be withdrawn.

C. REJECTION OF CLAIMS 21-28

Claims 21-28 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Hurpin in view of Hodge and Lehman, and further in view of newly cited Barnett, et al.

("Barnett"; Vaccine, Vol. 15(8), 869-873 (1997)). Applicants respectfully traverse this rejection as indicated below.

As described above, neither Hurpin, Hodge, nor Lehman, alone or in combination, provide either the motivation to develop the instantly claimed invention or a reasonable expectation of success in practicing the instantly claimed invention. As such, none of Hurpin, Hodge and Lehman are proper references upon which a 35 U.S.C. 103(a) rejection of the instant claims may be based. The Examiner alleges that Barnett provides "... motivation for boosting nucleic acid based immunization with the administration of polypeptide antigen" (i.e., a prime-boost strategy) Barnett demonstrates only intramuscular and epidermal immunizations and is completely silent as to administration into a either lymphatic site. As such, Applicants respectfully maintain that Barnett does not supplement the above-described deficiencies of Hurpin, Hodge, and Lehman, and that this rejection is improper. Accordingly, Applicants respectfully request that this rejection be withdrawn.


CONCLUSIONS

Consideration and entry of this amendment is respectfully requested. Applicants respectfully maintain that claims 1, 2 and 4-27 are now in condition for allowance and request that a Notice of Allowance for the pending claims. If the Examiner has any questions or believes a discussion would expedite prosecution, he is encouraged to contact the undersigned at 570-839-5446.

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Respectfully submitted,

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